

REMARKS

In this response, no claims are amended, added, or canceled. Accordingly, Claims 1-39 are pending.

I. Claims Rejected Under 35 U.S.C. § 102(e)

Claims 1-39 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,426,778 issued to Valdez, Jr., (hereinafter "Valdez"). Applicant respectfully disagrees for the following reasons.

It is axiomatic that to anticipate a claim, each element of the claim must be disclosed in a single reference. Further, the cited referenced must show identical an invention in as complete detail as that claimed, i.e., every element of the claimed invention must be literally present, arranged as in the claim. See Richardson v. Suzuki Motor Co., 9 USPQ 2nd 1913, 1920 (Fed. Cir. 1989). In response to Applicant's assertion that Valdez does not teach "transferring an edited time base stream to a sequential storage device using an icon wherein the icon represents a function to be performed on a sequential storage device," the Examiner cites col. 17, line 57 though col. 18, line 4 as teaching these elements of Claims 1, 10, 24, and 31. However, this section of Valdez teaches that icons representing a set of data can be used to move data and create relationships between sets of data by interacting the representative icons. See Also, col. 17, lines 48-56 of Valdez. This section does not teach a transfer of data to a sequential storage device. Rather, it teaches the manipulation of data in a linked set of data structures. Valdez, col. 17, lines 52-56. The Examiner has not indicated and Applicant has been unable to discern any part of Valdez that teaches an icon to transfer data to a sequential storage device. Thus, this section of Valdez does not set forth that an icon can represent a function to be formed on a sequential

storage device or that such icon can be used to transfer into a time based stream to the sequential storage device. Thus, Valdez does not teach each element of Claims 1, 10, 24, and 31.

Accordingly, reconsideration and withdrawal of the anticipation rejection of Claim 1, 10, 24, and 31 are requested.

In regard to Claims 2, 11, 25, and 32, these claims include the elements of a three-point editing between a source media and destination media. The Examiner responded to Applicant's argument that Valdez does not teach these elements of Claims 2, 11, 25 and 34 by citing col. 12, lines 5-31 of Valdez. This cited section of Valdez describes the information stored in a component which is the top level abstract class of a composition. See Valdez, col. 12, lines 5-6. The data in a component class includes an edit rate. See col. 12, lines 27-31. This edit rate is a representation of time and is used for determining the duration of a component. The Examiner has not indicated and Applicant has been unable to discern what portions of this section the Examiner believes teach a three-point edit. Rather, this section relates to a data structure of a component object and does not relate to an act of editing involving three-point editing between a source media and a destination media. Thus, Valdez does not teach each element of Claims 2, 11, 25, and 32. Accordingly, reconsideration and withdrawal of objection of these claims are requested.

Regarding Claims 3-6, 12-14, 17-22, 26-28, 30, 33, and 34-36, these claims depend from independent Claims 1, 10, 24, and 31 and incorporate the limitations thereof. Thus, at least for the reasons mentioned in regard to the independent claims, these claims are not anticipated by Valdez. Accordingly, reconsideration and withdrawal of the anticipation rejection of these claims are requested.

In regard to Claims 7, 15, 29, and 37, these claims include the elements of black and coding a tape in the sequential device. In response to the Applicant's request for further clarification of the Examiner's opinion, the Examiner has cited col. 7, lines 60-68 without any explanation of the relevance of this section of Valdez. Applicant has been unable to discern any reference to black and coding of a tape in a sequential device in this section of Valdez. Thus, Applicant believes that Valdez does not teach each element of Claims 7, 15, 29, and 37. Accordingly, reconsideration and withdrawal of the anticipation rejection of these claims are requested.

In regard to Claims 8, 9, 16, 23, 38 and 39, the Examiner has not clearly identified and the Applicant has been unable to discern any part of Valdez that teaches positioning a playhead of a sequential device or positioning a playhead based on a time code indicator. Thus, Applicant believes Valdez does not teach these elements of these claims. Further, Applicant has previously requested that the Examiner clarify his position to more clearly explain where in Valdez these elements of the claims are taught. However, the Examiner has failed to identify those parts of Valdez that teach position of a playhead of a sequential device or provide any further explanation of his rejection. Accordingly, reconsideration and withdrawal of the anticipation rejection of these claims are requested.

The Examiner has maintained the language rejecting the claims from the previous Office Action, dated August 15, 2002, and included additional comment thereto. The language from the previous Office Action states the elements of each claim is taught by Valdez and then provides a citation to Valdez in support of these assertions. However, in each case, the cited section seems unrelated to the elements of the claims which the citations are purported to teach. Further, the additional discussion provided by the Examiner in the present Final Office Action fails to provide any explanation of the cited passages of Valdez and instead provides quotes from different sections of Valdez, which are discussed above. The Examiner fails to present a clear argument that Valdez teaches each claim. Applicant respectfully requests that if the Examiner chooses to maintain his

rejection of the claims and the Examiner clearly indicates the language of Valdez that teaches each of the elements and an explanation of how the cited passages teach the elements of the claims.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-39, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION:

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on March 19, 2003.

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